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What was the *Nobilitas*?*

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I

The aim of this paper is to deal with one of the crucial problems of Roman history: what was the *nobilitas*? Certainly in modern historical writings it has been customary to refer to the Roman ruling class during the middle and late Republic as the *nobilitas*, but its origin in history, the composition of its members, and its function in politics remain highly controversial among modern historians. In the Roman historical narratives, particularly in the history of Livy, the words *nobiles* and *nobilitas* appear in quite a few places, but it seems to me that the above mentioned question has not yet been satisfactorily answered.

In discussing this subject, our starting-point is Matthias Gelzer's *Habilitationsschrift*, published in 1912 in Berlin: *Die Nobilität der römischen Republik*. Soon after publication his thesis was believed to have greatly contributed to our present understanding of Roman politics by casting a fresh light on the real ruling class among the Romans. As for his particular approach, it has been widely admitted that he opposed the constitutional method of Mommsen, adopting instead a new method: the social history developed in the period before and after the beginning of this century. Although Matthias Gelzer confessed that there was no ancient definition of the *nobilitas*, (which has the meanings such as "renown" and "nobility"), based on Cicero he argued for the development of its meaning from "Kenntlichkeit" to "Amtsadel." After examining some of related political terminology in Latin, he defined this nobility as an "Amtsadel": a "non-hereditary nobility who were created peers because of their office" (*Collins German-English Dictionary*). In conclusion, he argued that, as it was rare for new men to obtain the consulship, the supreme magistracy, Roman politics in the Republic were definitely influenced by this limited number of politicians. In the second part of his work, Gelzer tried to support his theory, arguing that the nobility were able to retain their political power on the basis of

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various relationships such as kinship ties between related families and political patronage. Such relationships were influential in the elections of higher magistracies, particularly the consulship itself.

Matthias Gelzer's *Die Nobilität* was reprinted in 1962 and again in 1983, and it was translated into English in 1969, all without serious amendment. Certainly Gelzer had to frankly accept the argument by Hermann Strasburger in 1937, that the title *nobiles* found in the ancient authors had also been applied to members of non-consular families, amending his definition of the word. But one recent opinion has it that Gelzer's thesis is still valid enough even today: there is no serious question about his thesis. There must, however, be further consideration of the definition of "Amtsadel": Jochen Bleicken expresses doubts about the notion of the modern "Amtsadel", pointing out that only born aristocrats obtained the highest office, and that when non-aristocrats obtained the office, it was simply an exception. His argument seems convincing, but because of the silence of the ancient authorities it still remains uncertain who were in fact the new men whose ancestors had not attained to the consulship. Matthias Gelzer mentioned just five individuals (seven times in all) as new men in the period dicussed here (366 to 215 B.C.), but apparently none of their families were eminent at all during the period.

It was one of the merits of Friedrich Münzer's thesis that it insisted that some *gentes* found in the consular list of the fourth and third centuries B.C. were of foreign origin: the Marcii, the Fulvii, the Mamilii, and the Otacilii (see Table 1). According to him those who obtained the consulship in that period were not only the chiefs of these families but also descendants of eminent citizens in their native towns. Münzer also tried to identify some of these original towns: Tusculum as that of the Marcii, the Fulvii, and the Mamilii, and Beneventum in Samnium of the Otacilii. Furthermore, Werner Schur insisted that some other leading politicians and reformers in the fourth century B.C. had a non-Roman origin: the Publilii, the plebeian Claudii, and the Sempronii. In particular, he assigned the Sempronii to the Umbrian town of Tuder, because they had one *cognomen* Tuditanus, which means that they had come from Tuder. Those Sempronii had long-term and close ties with the plebeian Claudii from the fourth to the end of the second centuries B.C. Although Schur concluded that these foreign families belonged to the upper class of their native town, and had an equal position with the Roman patricians, Karl Beloch immediately denied both theories, criticising the idea that those families had a foreign origin. For example, Lucius Fulvius Curvus (cos. 322 B.C.), who is still believed to have come from the Latin town of Tusculum, was not an immigrant from the town, but a Roman citizen himself from the beginning of his career. Therefore, it might well seem improbable that there ever existed plebeian *nobiles* who emigrated from Italian towns to Rome and held close ties with some powerful families of *patricii* or *plebes* in order to monopolise political power in both Rome and their native towns.

It must be admitted that Matthias Gelzer never made clear his view of the formation of the *nobilitas* after the Licinian Law, concentrating his argument on the late Republic: after mentioning the rather small number of new men in the Republic, he concluded that "*nobilitas* belonged to the descendants of all those who at some time had held the highest public office.... Only seldom did new men attain the consulate. In this fashion the nobility ruled the Roman Republic." (*Die Nobilität* in *Kleine Schriften*, I. Bd., S. 60; cited from the translation by Robin Seager). He seems to me a little hasty

Table 1 The Patrician and plebeian cosular *gentes* between 366 and 215 B.C.

B.C.	Patrician *gentes*	Reappeared plebeian *gentes*	New plebeian *gentes*
Period I 366–342*	10: Aemilii Claudii Cornelii Fabii Furii Manlii Quinctii Servilii Sulpicii Valerii		7: Genucii Licinii Marcii Plautii Poetilii Popilii Sextii
Period II 341–317**	10: Aemilii Cornelii Fabii Folii Furii Manlii Papirii Postumii Sulpicii Valerii	2: Plautii Poetilii	12: Aelii Atilii Aulii Claudii Decii Domitii Duilii Fulvii Iunii Maenii Publilii Veturii
Period III 316–292***	10: Aemilii Claudii Cornelii Fabii Manlii Papirii Popilii Postumii Sulpicii Valerii	7: Atilii Decii Fulvii Marcii Poetilii Popilii Publilii	6: Apuleii Carvilii Curii Minucii Sempronii Volumnii
Period IV 291–265	12: Aemilii Claudii Cornelii Fabii Iulii Nautii Papirii Postumii Quinctii Servilii Sulpicii Valerii	11: Aelii Atilii Carvilii Claudii Curii Decii Domitii Iunii Genucii Marcii Sempronii	6: Caecilii Caedicii Coruncanii Fabricii Mamilii Ogulnii

Period V 264–240	10:	Aemilii Claudii Cornelii Fabii Furii Manlii Postumii Servilii Sulpicii Valerii	7:	Atilii Caecilii Caedicii Duilii Fulvii Mamilii Sempronii	6:	Aquilii Aurelii Fundanii Iunii Lutatii Otacilii
Period VI 239–215	9:	Aemilii Cornelii Fabii Furii Manlii Papirii Postumii Servilii Valerii	9:	Atilii Carvilii Claudii Fulvii Iunii Licinii Mamilii Minucii Sempronii	7:	Apustii Flaminii Livii Mucii Pomponii Publicii Terentii

N.B. * Seven years of all patrician consuls between 366 B.C. and 342 B.C.: 355–353, 351, 349, 345, 343 B.C.
** Two dictator years (no consuls): 333 B.C. and 324 B.C.
*** Two dictator years (no consul): 309 B.C. and 301 B.C.

about concluding the first part of his work. But it was not until seventy-five years later that a work which dealt minutely with the establishment of the nobility appeared in Germany: Hölkeskamp's *Die Entstehung der Nobilität*, published in 1987. His aim was to clarify "the process of the establishment and stabilisation of the *nobilitas*", and he explained that its fundamental characteristic was "unprecedented closure, cohesion, and unity". While he particularly stressed its homogeneity, he also recognised its instability and changeability: although the nobility was closed and unified, the individual members opposed each other in order to gain predominace, reputation, and influence, and to establish themselves in public life as magistrates, senators, and patrons. Compared with Gelzer, who lacked depth in his treatment and arrived at hasty conclusions, Hölkeskamp devoted his efforts to dealing minutely with the establishment of the nobility. He argued that the period between 366 and 340 B.C. was a period of struggle fought by the *plebs* to obtain equal rights with the patriciate, fixing the date of the consolidation of the nobility as occurring during the period from 339 to 287 B.C., the passing of the plebiscite of Hortensius. His argument deserves to be discussed seriously because of his elaborate attempt to prove that the nobility was established at the time of the great wars first with the Latins and later with the Samnites respectively.

II

If the plebeian *nobiles* were those from the *gentes* whose members had attained the consulship for the first time after 366 B.C., of which plebeian *gentes* did this nobility consist? There were a great many different plebeian *gentes* who held the consulship between 366 and 215 B.C.: as against

altogether sixteen patrician *gentes*, in the consular list there appear forty-four plebeian gentes over about one hundred and fifty years (see Table 1). After dividing the whole period into six twenty-five year sub-divisions, the present writer has been able to draw some distinctive features from the table. While about ten patrican *gentes* had monopolised the consulship during all the periods, the plebeians continued to provide almost the same number of new men from a wide range of the *plebs*. It might, therefore, be argued that there were never been any plebeian *gentes* who maintained continuously their strength that the eminent patrician *gentes* had achieved in the Roman political life.

The number of the plebeian *gentes* in Period I is rather small, because it included the seven years when only patricians held both the two consulships. In Period II there was the largest number of new plebeian *gentes*, i. e. thirteen. The remaining four Periods have the same number of new *gentes*, i. e. six each. It may, therefore, be allowed that the plebeians continued to provide new men for the consular list. It must, however, be clear that there were numerous *gentes* who seem to have provided just one or two members of the family, though among them there were some great individuals during the middle Republic: Quintus Publilius Philo, Manius Curius Dentatus, and Publius Decius Mus. It may well have been very difficult for the plebeians to maintain themselves as consular families for a longer term. Indeed there were just a few plebeian gentes who were able to keep the consulship in their hands: the Marcii, the Atilii, the Fulvii, the Mamilii, and the Sempronii (see Table 1).

Another factor characteristic of Livy's narrative is that he rarely mentions particular Romans as *nobiles*. He uses only the patrician Aemilii, Cornelii, Manlii and the plebeian Fulvii, Atilii, and Aelii. In the beginning of the third century B.C., there appeared three famous leaders of the *plebs*: Manius Curius Dentatus, Quintus Hortensius, and Caius Fabricius. Among them both Curius and Fabricius had attained the consulship for the first time in their *gentes*. But it seems certain that they were not called *nobiles*. As for the three famous plebeians who obtained the consulship for the first time in their gentes in the late third and the early second centuries B.C., Gaius Flaminius, Gaius Terentius Varro, and Marcus Porcius Cato, there is no evidence of their being called *nobiles*, though Flaminius and Terentius died in battle during their consulships. There is another case to be mentioned: the Gracchi. Those great revolutionaries of the late second century B.C. belonged to a plebeian family whose ancestors held several consulships, enjoying close family ties with the patrician Cornelii Scipiones, the Claudii Pulchri, and the Aemilii Pauli through various marriages. The Sempronii Gracchi might, therefore, have been typical *nobiles* if the criteria for *nobilitas* are not wrong. But none of them are ever described as *nobiles*. Moreover, it is curious enough that their various measures had the aim of destroying the supremacy of the nobles not only in the politics, but also in the society of Rome.

III

Now is the time for us to examine how often the words *nobiles* and *nobilitas* were used by Livy to describe the role of the nobility in Roman politics. The political scene in question was the election of magistrates. For instance, in the election for 420 B.C., Titus Quinctius Cincinnatus, Lucius Furius Medullinus, Marcus Manlius Vulso, and Aulus Sempronius Atratinus, who were all pure patricians,

were first elected as military tribunes with consular power. Then Sempronius presided over the election of quaestors, and he strongly recommended two candidates among the plebeian ones. One was a son of a former tribune of the *plebs* and the other a brother of another. But Sempronius could not exert enough influence over the comitia to secure their election. As to the reason for his failure, Livy mentions "the great disservices of the nobility." This episode has been interpreted as having been a setback for popular party. If the patrician Sempronius had supported some plebeian candidates and nevertheless failed to get them elected, though it was an election to a minor magistracy, there would have been a strong hatred towards the *plebs* in the nobility.

Quintus Publilius Philo was one of the most famous plebeians who enjoyed the highest magistracies in the second half of the fourth century B.C. He was elected consul four times (339, 327, 320, and 315 B.C.). While consul in 339 B.C., he was appointed dictator by his colleague Tiberius Aemilius, and in 338 B.C. he became the first proconsul whose *imperium* (the power of commanding) was prolonged. Then he was the first plebeian praetor in 336 B.C., and he celebrated a triumph over the Latins in 326 B.C. It may, therefore, be said that he must have been a typical *nobilis*. Nevertheless, in 339 B.C. as dictator he had proposed three measures which seemed hostile towards the *nobilitas*. Livy remarks that "Publilius's dictatorship was a popular one, both for the accusatory speeches he made against the senate and because he had introduced three laws which were highly advantageous to the plebeians and unfavourable to the nobility.... in the senators' opinion, the damage done at home that year by the consuls and dictator outweighed the increase in empire resulting from their victory and management of the campaigns abroad." (Liv. VIII. 12. 14–16; Penguin translation). In this narrative in Livy, the most remarkable point is Publilius's fierce hostility towards the senate and the *nobilitas*, even though he several times held the highest public offices.

At the end of the fourth century B.C. there emerged a plebeian who had unusual talent: Cnaeus Flavius, *aedilis curulis* in 304 B.C. It is recorded that although he had held this higher magistracy, which was made possible by the eminent patrician Appius Claudius (later called Caecus, "the Blind"), there were objections to his entering into the *nobilitas*. Livy has it that "he had been born in humble circumstance, his father being a freedman, but was an able man and a good speaker." (Liv. IX. 46. 1; Penguin translation). He had, Livy continues, "the stubborn determination with which he battled against the nobles." Indeed he had dared to take innovative measures and arrogant action against the nobles: for example the publication of the civil law and the dedication of the temple of Concordia which had greatly enraged the *nobilitas*. The reaction from the Roman senate was that "the people passed a measure that no one should dedicate a temple.... without the authorization of the senate...." Livy also relates an interesting episode in which young nobles (*nobiles adulescentes*) took a impolite atttitude towards him by not rising to their feet by general consent when Flavius came to see his sick colleague. When he succeeded in his election to the aedileship he had, it is told, enjoyed the support from "the mass of people gathering aroud the Forum" (*forensis factio*) and the recommendation of Appius Claudius: whose scribe indeed Cnaeus Flavius was. It might, therefore, be argued that his election to this office proved to be a bold reaction from the plebeians against the arrogance of the *nobiles*. In protest against Ap. Claudius's popular politics, the majority of the nobles declared their dissatisfaction by discarding their gold rings and military decorations (altogether see

Liv. IX. 46. 2–15; based on Penguin translation).

The consular election for 216 B.C. which Livy reports in detail, proved that there was fierce competition among both patrician and plebeian candidates. It seems certain that the *plebs* developed various strategies to secure one consulship for Terentius Varro, and he himself tried to be popular among his fellow citizens, slandering patrician leaders. When the senators opposed him, the controversy over his candidacy became more fierce than it had ever been before. A tribune of the *plebs*, Quintus Baebius, a relative of Varro, campaigned vigorously for his election, bitterly blaming the nobles (*homines nobiles*) for the abuse of their supremacy in the senate (Liv. XXII. 34. 1–4). While three patricians, Publius Cornelius, Lucius Manlius and M. Aemilius, were candidates, among the plebeians, whose feeling was inflamed by Quinuus Baebius' speech, there were two other candidates, Caius Atilius and Quintus Aelius, who were members of plebeian noble families (*duobus nobilium iam familiarum plebeiis*), and who had become pontiff and augur respectively. It was, however, Terentius Varro alone who was unexpectedly elected as consul. Then the *nobilitas* "induced Lucius Aemilius, a violent opponent of the popular party, to stand, though very much against his own wishes." Thus there were elected the two consuls who engaged Hannibal at Cannae. One of them died in the battle and the other escaped to Venusia after the defeat. It is quite a remarkable fact that Gaius Terentius Varro who had been a fierce enemy of the *nobilitas*, was elected instead of the two plebeian *nobiles*. (Liv. XXII. 35. 1–4).

According to Livy, in the consular election for 184 B.C. there was a fierce struggle concerning the patrician consulship: one of the candidates was Publius Claudius, a brother of Appius Claudius, the consul of 185 B.C., and to assist his brother's candidacy, he returned to Rome earlier than his colleague, Marucus Sempronius, to whom the presidency over the *comitia* electing consuls had been entrusted by lot. For the patrician consulship, P. Claudius had to compete with Lucius Aemilius, Quintus Fabius and Sergius Sulpicius, who had all been defeated in earlier elections. Although all the candidates were eager for election this time, none of them could be confident of their success. All the plebeian candidates, Lucius Porcius, Quintus Terentius and Cnaeus Baebius, had already been defeated in earlier elections, though they had been popular among their fellow citizens. Publius Claudius, who was elected contrary to what was generally expected, was a mere newcomer as a candidate. The consul Appius Claudius, together with Publius Claudius, went without his lictors from one forum to another, campaigning for his brother. Although his enemy and the majority of the senate urged him not to forget that he was the consul of the Roman people, nobody could stop his interference in the campaign. The tribunes of the *plebs* had also been opposed to Appius Claudius, though they had been enthusiastic about the election, and had been working to prevent the election of their enemy. At last Appius Claudius succeeded in the election of his brother. Among the plebeian candidates, Lucius Porcius won the consulship without a fierce fight (Liv. XXXIX. 32. 5–13; based on Penguin translation, but slightly altered). It might be said in conclusion that there was no sign of the cohesion and unity of the *nobilitas* for which Hölkeskamp has argued, but just enthusiasm for election to magistracies, and in particular, to the consulship.

The censors of 179 B.C. were the patrician Marcus Aemilius, who had already been elected *pontifex maximus*, and the plebeian Marcus Fulvius, who had celebrated a triumph over the Aetolians

in Greece. And there was always a fierce hostility between the two nobles (*hos viros nobiles*); their hostility was sometimes expressed openly before the senate and the Roman people. After being elected to the censorship, they were at last reconciled before the Roman people for the sake of the Roman state. Livy reports the famous reconciliation as follows: "the two men shook hands and gave pledges of friendship, and in sincerity they finally abandoned their mutual hatred." (Liv. XL. 46. 15; Penguin translation) It is worthwhile to note that their hostility had its origin a few years before, when they had held consulships during different years, Aemilius in 187 and 175 B.C. and Fulvius in 189 B. C. It is certain that such hostility between eminent patrician and plebeian *nobiles* was as frequent as the competitions concerning elections which are often reported.

IV

It has still been customary with modern historians to say that the Roman senate which consisted of former magistrates, which meant the *nobilitas*, monopolised political power. E. S. Staveley has it that "the course of Roman foreign and domestic policy ... was determined not by the electorate itself, but by the those in the *nobilitas* and the senate...." (*CAH*^{2} VII, 2 p. 443) Is this view still and all valid? It must be said that the time has come to reconsider the view. As mentioned above, it can not be denied that some patrician and plebeian *gentes* who held the highest positions in the society in the middle and late Republic, were called *nobiles*, but it is still doubtful whether they could have had extensive power over Roman policy. Certainly the Roman senate was a council of wise men, and each senator as a former magistrate might have had powerful influence upon the magistrates in office, but the senate as a whole could not have had executive power other than when any senator was assigned specific duties as proconsul or propraetor. There is no question that the consuls and praetors were absolutely powerful as higher magistrates. Jochen Bleicken definitely remarked that the magistrates in Rome who had asserted executive powers systematically, had enjoyed their superior position to that of the aristocracy. Comparing Rome with Greece, Bleicken reached his peculiar notion of the consulship: the consuls had inherited absolute military power from the Roman kingship, undertaking all the duties for the community; similarly Robin Osborne, a Greek historian at Oxford, told me in private correspondence that the Athenian magistrates seem to have emerged out of chaos rather than directly out of the kingship, contrary to the case of those of Rome, which had replaced the kings directly, rather than growing up to meet demand (September 4, 1992). As regard the origin of the consulship, he might not be mistaken, and both ideas seem very suggestive. But it is necessary for us to consider the consulship in the context of the middle Republic, when Rome had developed into a powerful city first in Latium and then in Italy.

Did the consuls or praetors really have extensive power as executive officials? It must be said that none of them could exercise power at will, because the term of office was limited to just one year, and therefore, they could not implement long term policy in such a short period. How long could they really hold of office? In the early period same person was often re-elected several times as consul, but it gradually became less and less common. After the end of the fourth century B.C., the prolongation of the consular *imperium* was elaborated, but it was adopted only when there was a war

at a distance from Rome or overseas, and it did not become routine. It should, therefore, be accepted that no magistrate could hold his administrative and military power for a longer period. In conclusion, it should be stressed that neither the consuls nor the senate could become real rulers in Roman politics, and therefore, in the middle Republic, the *nobilitas* as a stable and cohesive body of politics could not monopolise Roman political power. Some years ago Peter Brunt criticised Matthias Gelzer, proposing a far broader identification of new men in the Republic than Gelzer did. In line with this, particular attention has been focused by Fergus Millar on the important part that the Roman people above all played in public meetings. Although he has not gone so far as to argue for the existence of democracy in Republican Rome, some scholars have attempted arguments for the democracy in Roman politics. If it is still right to insist on rule by the narrow circle of the *nobilitas*, this would be opposed to the argument for the supposed Roman democracy. As has often been pointed out, Roman society was an aristocratic society and a competitive one, so, finally, it should be concluded that it would have been difficult for the aristocratic *nobilitas* to have existed as an established circle of politicians exercising control over the state for a long period during the middle and late Republic.

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